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OFFICE OF PETITIONS

In re Application of :
Carol M. Rines, et al. :
Application No. 09/039,176 :
Filed: March 13, 1998 :
Attorney Docket No. N/A :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)¹, filed June 27, 2002, to revive the above-identified application which is being treated as a petition to withdraw the holding of abandonment.

The petition is **GRANTED**.

A communication was mailed to applicant on April 9, 2002 informing applicant that the reply filed on January 17, 2002 was not fully responsive to the prior Office action. This communication set a shortened statutory period of one month within which to submit a proper reply. Applicant submitted a reply via Express Mail on May 7, 2002. The USPTO received the reply on May 7, 2002, as evidenced by the post card receipt attached to the present petition. Therefore, the reply was, in fact, timely filed. Accordingly, this application was improperly held abandoned. As such, no petition will be charged to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-3475.

The application file is being forwarded to Technology Center 2700.

Marianne E. Morgan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ The present petition was filed under 37 CFR 1.316(c). However, 37 CFR 1.316(c) was abolished effective December 1, 1997. See 62 Fed. Reg. 53131, October 10, 1997.